

E-Filed on 8/8/07

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

STUTMAN, TREISTER & GLATT, P.C.
FRANK A. MEROLA
(CA State Bar No. 136934)
EVE H. KARASIK
(CA State Bar No. 155356)
CHRISTINE M. PAJAK
(CA State Bar No. 217173), Members of
1901 Avenue of the Stars, 12th Floor
Los Angeles, California 90067
Telephone: (310) 228-5600
Facsimile: (310) 228-5788
Email: fmerola@stutman.com

ekarasik@stutman.com

aparlen@stutman.com

Counsel for the Official Committee Of
Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

SHEA & CARLYON, LTD.
JAMES PATRICK SHEA
(Nevada State Bar No. 000405)
CANDACE C. CARLYON
(Nevada State Bar No. 002666)
SHLOMO S. SHERMAN
(Nevada State Bar No. 009688)
701 Bridger, Suite 850
Las Vegas, Nevada 89101
Telephone: (702) 471-7432
Facsimile: (702) 471-7435
Email: jshea@sheacarlyon.com
ccarlyon@sheacarlyon.com
ssherman@sheacarlyon.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Notice of Hearing; Partial Objection of USACM Trust To Coxey Living Trust Claim to the Extent Filed in Wrong Debtor's Case; Objection of FTDF to Claim as Duplicative of Claims Previously Disallowed and Reclassified As Equity Interests in Corrected Amounts

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

NOTICE OF OBJECTION TO CLAIM

THE USACM LIQUIDATING TRUST AND THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT, THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 8, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR WWW.BMCGROUP.COM/USACMC, or to the undersigned counsel. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is a debt of USA Capital First Trust Deed Fund, LLC Case No. 06-10728 ("FTDF"). The Official Committee of Equity Security Holders of FTDF (the "FTDF Committee"), by and through its counsel, further objects to any proposed allowance of your claim against the FTDF estate. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and FTDF. If the Court grants the requested relief, it will not affect your existing equity interest in the FTDF estate to the extent you hold an equity interest in FTDF.

NOTICE IS FURTHER GIVEN that, unless the hearing date is advanced by the Court, the hearing on the Objection will be held before the Honorable Linda B. Riegler,

1 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard
2 South, Courtroom 1, Las Vegas, Nevada, on **OCTOBER 15, 2007** at the hour of
3 **9:30 a.m.** **THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS**
4 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
5 **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**
6 **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE**
7 **RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS**
8 **FILED AGAINST USACM AND THE FTDF.**

9 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by
10 the Court, any response to the Objection must be filed by October 8, 2007 pursuant to
11 Local Rule 3007(b), which states:

12 If an objection to a claim is opposed, a written response must be filed and
13 served on the objecting party at least 5 business days before the scheduled
14 hearing. A response is deemed sufficient if it states that written
15 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

16 If you object to the relief requested, you *must* file a **WRITTEN** response to
17 this pleading with the Court. You *must* also serve your written response on
the person who sent you this notice.

18 If you do not file a written response with the Court, or if you do not serve
19 your written response on the person who sent you this notice, then:

- 20 • The Court may *refuse to allow you to speak* at the scheduled hearing;
21 and
22 • The Court may *rule against you* without formally calling the matter at
the hearing.

Dated: August 8, 2007

By: /s/ Eve H. Karasik
FRANK A. MEROLA (CA State Bar
No. 136934),
EVE H. KARASIK (CA State Bar
No. 155356), and
CHRISTINE M. PAJAK (CA State Bar
No. 217173), Members of
STUTMAN, TREISTER & GLATT, P.C.
1901 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067
Telephone: (310) 228-5600

By: /s/ Rob Charles (#006593)
SUSAN M. FREEMAN
ROB CHARLES
LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-0961
Facsimile (702) 949-8321
Telephone (702) 949-8320
COUNSEL FOR USACM Liquidating
Trust

and

CANDACE C. CARLYON
Shea & Carlyon, Ltd.
701 Bridger, Suite 850
Las Vegas, NV 89101
Telephone: (702) 471-7432
COUNSEL FOR THE
OFFICIAL COMMITTEE OF EQUITY
SECURITY HOLDERS
OF USA CAPITAL FIRST TRUST DEED
FUND, LLC

Copy of the foregoing
Mailed this 8th day of
August, 2007 to:

The Coxey Living Trust
1945 Hidden Meadows Dr.
Reno, NV 89502

By /s/ Renee L. Creswell